

# **Notice of Allowability**

**Application No.**

09/370,488

**Examiner**

Paul Callahan

**Applicant(s)**

EPSTEIN, MICHAEL A.

**Art Unit**

2137

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 8-22-05.
2. ☒ The allowed claim(s) is/are 4,5,8,9 and 14-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*E. L. Moise*  
**EMMANUEL L. MOISE**  
 SUPERVISORY PATENT EXAMINER

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action, when taken together with the cancellation of all rejected claims in the application via the latest amendment, is persuasive and, therefore, the finality of that action is withdrawn.

2. Claims 1-17 were pending in the application at the time of the previous Office Action. Claims 1-3, 6, 7, and 10-13 have been cancelled by the latest amendment. Claims 4, 5, 8, 9, and 14-17 remain pending and have been examined.

### ***Drawings***

3. The Applicant's arguments concerning the objections to the drawings as stated in the previous Office Action are persuasive and therefore the objections are withdrawn.

### ***Allowable Subject Matter***

4. Claims 4, 5, 8, 9, and 14-17 are allowed.

5. The following is an examiner's statement of reasons for allowance:

The closest prior art in the field, Shinyagaito et al., US 5,886,753, singly and in reasonable combination with the other prior art in the field does not teach the features of the controller as claimed in independent claim 4, the transceiver of independent claim 8

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used in conjunction with the controller of claim 4, the methods of independent claims 14 and 15 utilizing the controller and receiver of claims 4 and 8, wherein the controller establishes a cryptographic key exchange as in claim 4, wherein the transceiver of claim 8 generates a parameter that is a cryptographic key, wherein the first and second devices of claim 14 each comprise transceivers carrying out the steps found in the claim, and wherein the first and second devices of claim 15 generate cryptographic keys, all in combination with the other limitations found in these claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

9-14-2005

*Paul Callahan*

*E. Moise*  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER